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Andorra

The present report is a compilation of the information contained in reports of the treaty bodies and special procedures, including observations and comments by the State concerned, in reports of the United Nations High Commissioner for Human Rights, and in other relevant official United Nations documents. It is presented in a summarized manner owing to word-limit constraints. For the full texts, please refer to the documents referenced. The report does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review, and developments during that period.

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I. Background and framework

A. Scope of international obligations[1]

International human rights treaties[2]

	Status during previous cycle	*Action after review*	*Not ratified not accepted*
Ratification, accession or succession	ICERD (2006) ICCPR (2006) ICCPR-OP 2 (2006) CEDAW (1997) CAT (2006) CRC (1996) OP-CRC-AC (2001) OP-CRC-SC (2001)	CRPD (2014)	CESCR OP-CAT ICRMW ICPPED
Reservations, declarations and/or understandings	CRC (general declaration and declaration, art. 8 (2) (3), 1996) OP-CRC-AC (declarations, arts. 2 and 3 (2), 2001)		
Complaint procedures, inquiry and urgent action[3]	ICERD, art. 14 (2006) ICCPR-OP 1 (2006) OP-CEDAW, art. 8 (2002) CAT, arts. 20, 21 and 22 (2006)	OP-CRC-IC, art. 13 (2014) OP-CRPD, art. 6 (2014)	OP-ICESCR ICCPR, art. 41 OP-CRC-IC, art. 12 ICRMW ICPPED

Other main relevant international instruments

	Status during previous cycle	*Action after review*	*Not ratified not accepted*
Ratification, accession or succession			Conventions on refugees and stateless persons[4] UNESCO Convention against Discrimination in Education Convention on the Prevention and Punishment of the Crime of Genocide Rome Statute of the International Criminal Court ILO Convention No. 138[5] ILO Conventions Nos. 169 and 189[6] Additional Protocol III to the 1949 Geneva Conventions[7]

1. In 2012 and 2013, the Committee on the Rights of the Child (CRC), the Committee against Torture (CAT) and the Committee on the Elimination of Discrimination against Women (CEDAW) encouraged Andorra to ratify OP-CAT, ICESCR, OP-ISESCR, ICRMW and ICPPED.[8]

2. The Office of the United Nations High Commissioner for Refugees (UNHCR) welcomed the ratification and coming into effect of the 2005 Council of Europe Convention on Action against Trafficking in Human Beings and the Convention on Preventing and Combating Violence against Women and Domestic Violence, while it recommended accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.[9]

3. CAT invited and CRC recommended that Andorra accede to the 1954 Convention relating to the Status of Refugees and the Protocol thereto.[10] CRC also recommended that it ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol).[11]

4. CEDAW recommended that Andorra become a State member of the International Labour Organization (ILO) and ratify the Equal Remuneration Convention, 1951 (No. 100), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Workers with Family Responsibilities Convention, 1981 (No. 156).[12]

B. Constitutional and legislative framework

5. CAT welcomed that Andorra gives precedence to all international treaties and agreements over national legislation and their direct application in domestic law.[13]

6. While Andorra was revising its Criminal Code to strengthen the legislation on child pornography, CRC noted with concern that the State had not abolished the requirement of double criminality in cases of extradition and prosecutions of offences committed abroad, including sexual abuse and exploitation.[14]

7. CRC recommended that Andorra adopt a law on child protection that provides guidance or directives regarding the roles and responsibilities of government agencies and personnel and the available local safeguards.[15]

C. Institutional and human rights infrastructure and policy measures

8. While noting Andorra's commitment during the UPR to establish a national human rights institution, CAT was concerned that such an institution had not yet been established. CAT recommended that Andorra establish an independent national institution in full compliance with the principles relating to the status of national institutions (the Paris Principles).[16]

9. CRC recommended that Andorra review the operation and activities of the Raonador del Ciutadà to ensure comprehensive and systematic monitoring of children's rights and access to this institution.[17]

10. CRC also recommended that Andorra strengthen its partnerships between various ministries and bodies by developing a comprehensive policy and strategy on children.[18]

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies[19]

1. Reporting status

Treaty body	*Concluding observations included in previous review*	*Latest report submitted since previous review*	*Latest concluding observations*	*Reporting status*
CERD	-	-	-	Initial report overdue since 2007
HR Committee	-	-	-	Initial report overdue since 2007
CEDAW	July 2001	2011	October 2013	Fourth report due in 2017
CAT	-	2012	November 2013	Second report due in 2017
CRC	February 2002 (on CRC)/January 2006 (on OP-CRC-AC and OP-CRC-SC)	2009	October 2012	Third to fifth reports due in 2018
CRPD	-	-	-	Initial report due in 2016

2. Responses to specific follow-up requests by treaties bodies

Concluding observations

Treaty body	*Due in*	*Subject matter*	*Submitted in*
CAT	2014	Access to a doctor of their own choice for persons deprived of 2014[20] their liberty; sensitizing and training law enforcement personnel and judicial officials; and use of electrical discharge weapons.[21]	-
CEDAW	2015	Violence against women; and abortion and access to health.[22]	-

B. Cooperation with special procedures[23]

	Status during previous cycle	*Current status [headings at bottom of cell]*
Standing invitation	Yes	Yes
Visits undertaken	-	-
Visits agreed to in principle	-	-
Visits requested	-	-

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Equality and non-discrimination

11. While noting that article 6 of the Constitution of Andorra includes a definition of discrimination in conformity with the Convention, CEDAW was concerned about the absence of a law on gender equality and recommended that the State adopt a comprehensive gender-equality and anti-discrimination law in line with the Convention and ensure that women have access to legal remedies to complain about discrimination and other violations of their rights.[24]

12. CRC welcomed the establishment of the National Equality Commission in 2010 to address anti-discrimination issues.[25] CEDAW noted that the National Plan of Action for Equality did not address all areas covered by the Convention and recommended that Andorra provide its institutions with adequate resources with a view to achieving gender equality and to adopt a national action plan on gender equality that covers all areas of the Convention.[26]

13. CEDAW urged Andorra to adopt a comprehensive policy to eliminate patriarchal attitudes and traditional stereotypes concerning the role of women in the family and in society that impede women's equal participation.[27]

14. CEDAW called upon Andorra to adopt temporary special measures in all areas of the Convention in which women are underrepresented or disadvantaged.[28]

15. CAT recommended that Andorra prohibit and punish discrimination and incitement to violence against vulnerable groups, ensure that all hate crimes are investigated and prosecuted and prevent and condemn hate speech.[29]

16. The United Nations Educational, Scientific and Cultural Organization (UNESCO) encouraged Andorra to give due consideration to the participation of communities, practitioners, cultural actors and non-governmental organizations from civil society as well as vulnerable groups and to ensure that equal opportunities are given to women and girls to address gender disparities.[30]

B. Right to life, liberty and security of the person

17. CAT recommended that Andorra amend article 110 of the Criminal Code to include a definition of torture in conformity with the Convention.[31]

18. CAT recommended that Andorra establish an independent mechanism to monitor action by the police and investigate allegations and complaints of ill-treatment by members of the police force.[32]

19. CAT was concerned that current disciplinary regulations still allowed for solitary confinement of up to 30 days as a disciplinary measure and recommended that Andorra amend disciplinary regulations to reduce the duration to as short a time as possible and only if necessary.[33] CAT also recommended that prison staff refrain from routinely subjecting prisoners to complete strip searches that may amount to degrading treatment.[34]

20. With regard to measures to guarantee the fundamental rights of persons deprived of their liberty, CAT was concerned that in certain cases persons deprived of their liberty did

not have access to a doctor of their choice.[35] Within the follow up framework, in 2014 Andorra reported that "Qualified Act No. 17/2014 [had been adopted] amending article 24, among others, of the Code of Criminal Procedure ... which was in force at the time .... The above-mentioned legislative amendment ... recognizes the right of all suspects and detained persons ... to be informed immediately of their right to, inter alia, be examined by a forensic physician and also by a doctor of their choice."[36]

21. CAT was concerned that electrical discharge weapons had been used in prisons and were included in the standard equipment of prison staff. It recommended that Andorra modify the regulations concerning the use of electrical discharge weapons so that they can be used exclusively in extreme and limited situations, and that it expressly prohibit their use on children and pregnant women.[37] Within the follow up framework, in 2014 Andorra reported to CAT that "the Government adopted regulations on 19 November 2014 on the carrying and use of firearms and on coercive methods authorized for use in prisons. The regulations are expected to enter into force on 27 November 2014".[38]

22. CEDAW was concerned about the increase in the number of cases of violence against women and urged Andorra to adopt a comprehensive law that addressed all forms of violence against women; amend the Criminal Code to criminalize all forms of violence against women, including sexual violence and stalking; and provide victims with redress and support.[39] CAT raised similar recommendations, in particular to sensitize and train law-enforcement personnel and judicial officials in the Public Prosecutor's Office in investigating and prosecuting cases of domestic violence.[40] In response to the above-mentioned recommendation made by CAT, in 2014 Andorra reported that "all the parliamentary groups represented in the ... National Parliament have reached agreement on a bill aimed at combating and eliminating gender-based violence", and that "the bill is expected to come before Parliament on 25 November 2014".[41]

23. In the light of Andorra's commitment under the UPR to enact and implement legislation that prohibits all corporal punishment of children, CAT was concerned that corporal punishment was not yet explicitly prohibited in all settings. CAT recommended that the State enact legislation that explicitly prohibits corporal punishment of children in all settings.[42] UNESCO raised similar concerns.[43]

24. CRC was concerned that the Act on Employment Contracts (2003) and the Regulation governing employment contracts for trainees (2004) did not comprehensively address the situation of children employed in the family context and that the Act did not provide a clear definition of "light work". It recommended that Andorra ensure that the involvement of children in all contexts is in full compliance with the international child labour standards in terms of their age, working hours, working conditions, education and health.[44]

25. CAT was concerned that the Criminal Code did not specifically criminalize trafficking in persons, and at the absence of legislative and policy measures to combat trafficking in persons for the purposes of forced labour or prostitution. CAT recommended that Andorra amend the Criminal Code with a view to specifically prohibiting and punishing trafficking in human beings and to provide redress to victims.[45] CEDAW raised similar recommendations.[46]

C. Administration of justice, including impunity and the rule of law

26. CAT recommended that Andorra introduce appropriate penalties for acts of torture and genocide beyond 10 years of imprisonment and ensure that the prosecution and punishment of the crime of torture is not subject to a statute of limitations.[47]

27. CRC noted with appreciation that the age of criminal responsibility in Andorra was 18 years. Noting that a very few number of children were incarcerated in detention centres, CRC recommended that Andorra ensure that children are accompanied and cared for by professionals and that they are always held entirely separate from the adult detainees.[48]

28. Despite Andorra's agreement to the recommendation made under the UPR to introduce practical measures to lower the number of pretrial detainees, CAT was concerned that no sufficient action had been taken in this regard and recommended that the State adopt measures to reduce the number of pretrial detainees.[49]

D. Right to privacy, marriage and family life

29. CRC recommended that Andorra safeguard children's right to privacy in the media and ensure that children are not exposed to harmful media content.[50]

30. CRC noted that, despite its previous concern about the low minimum age of marriage of 16 years of age, and 14 years of age with the permission of a judge, Andorra had not increased the minimum age of marriage. CRC recommended that Andorra amend its legislation and increase the minimum age of marriage to 18 years.[51] CEDAW had a similar concern and recommendation.[52]

31. CEDAW appreciated the amendments adopted in 2004 to the Qualified Marriage Act, abolishing the requirement for widowed and divorced women to wait for a 300-day period before remarrying.[53]

32. CEDAW recommended that Andorra implement Qualified Act 21/2005, which provides for rights for women in stable unions.[54]

E. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

33. UNESCO informed that freedom of expression, communication and information were guaranteed in the Andorra Constitution. However there was a need for a freedom of information law in the country. It also encouraged decriminalizing defamation, currently in its Criminal Code, and placing it within a civil code in accordance with international standards.[55]

34. UNESCO stressed that Andorra did not take sufficient measures to further cooperate with international or civil society despite its commitment during the first UPR cycle Andorra.[56]

F. Right to work and to just and favourable conditions of work

35. CEDAW welcomed the adoption of the Labour Relations Code (2009), which prohibits discrimination on the grounds of sex.[57]

36. CEDAW recommended that Andorra adopt a legislative framework to recognize the principle of equal pay for work of equal value and adopt policies to achieve substantive equality of women and men in the labour market and close the gender pay gap.[58]

37. CEDAW recommended that Andorra prohibit sexual harassment in the workplace, raise the awareness of labour inspectors regarding exploitative practices in the workplace, and prosecute offenders.[59]

G. Right to social security and to an adequate standard of living

38. CRC recommended that Andorra define strategic budgetary lines for children in disadvantaged or vulnerable situations that may require affirmative social protection measures, and protect those budgetary lines even in situations of economic crisis, natural disasters or other emergencies.[60]

H. Right to health

39. CEDAW noted with concern the criminalization of abortion and the interpretation of the right to life in the Constitution as a limitation on women's sexual and reproductive health rights. It called upon Andorra to decriminalize abortion and provide access to legal abortion in cases of threats to the life or health of the pregnant woman, rape, incest and severe foetal impairment.[61] CRC raised similar recommendations with a view to guaranteeing the best interests of pregnant teenagers.[62]

40. CRC urged Andorra to increase the availability of confidential and youth-friendly health services throughout the country, to enhance the availability of contraceptive services, and to promote sex education targeted at adolescents, with special attention to the prevention of early pregnancies and sexually transmitted diseases.[63] CEDAW raised similar recommendations.[64]

41. CEDAW recommended that Andorra devise and implement gender-sensitive programmes to prevent HIV/AIDS and include disadvantaged and marginalized groups of women, such as prostitutes and migrant women, therein.[65]

42. CEDAW called upon Andorra to ensure affordable access for all migrant women and girls to the health-care system and consider amending the legislation restricting access to health care on the basis of legal residence.[66]

I. Right to education

43. CEDAW was concerned about the low enrolment of women in traditionally male-dominated fields of study and recommended the implementation of a strategy to promote the enrolment of women in vocational education and training in those fields.[67] CEDAW recommended that school curricula, academic programmes and professional training for teachers cover women's rights and promote gender equality.[68]

J. Cultural rights

44. UNESCO encouraged Andorra to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions, conducive to implementing the right to take part in cultural life.[69]

K. Persons with disabilities

45. While noting the measures taken to ensure that children with disabilities enjoy the same protection and rights as other children, CRC was concerned that children with disabilities continued to experience social discrimination and recommended that Andorra raise awareness and sensitize about rights and special needs of children with disabilities; and provide children with disabilities with equal access to adequate social and health services.[70]

46. CRC was concerned about practices and stereotypes that discriminated against girls and children with disabilities in Andorra. It recommended that Andorra remove all discriminatory practices against girls and children with disabilities, provide adequate protection from discrimination and formulate a comprehensive strategy to eliminate negative attitudes and practices and deep-rooted stereotypes that discriminate against both girls and women with disabilities.[71]

47. CEDAW recommended that Andorra ensure access to employment for women with disabilities by providing adequate vocational training and accessible information on employment opportunities.[72]

48. CEDAW was concerned about the wide gap between girls and boys with disabilities having access to education. It recommended that girls and boys with disabilities be given access to education and that Andorra combat discrimination against schoolgirls on the basis of sex and disability.[73]

L. Minorities and indigenous peoples

M. Migrants, refugees and asylum seekers

49. UNHCR recommended that Andorra establish a refugee status determination procedures that is fully gender and age sensitive.[74]

50. CRC recommended that Andorra revise and amend the Qualified Act on Immigration of 2002 to permit family reunification for holders of temporary immigration permits.[75]

51. CEDAW expressed concerned about the disproportionately high number of migrant women who were victims of violence,[76] and recommended that Andorra conduct a study on the situation of migrant women and adopt a legislative framework to address the rights and needs of women migrant workers and women asylum seekers, including measures to protect all migrant women against refoulement.[77]

52. CEDAW recommended that Andorra ensure that the Labour Relations Code applies to women migrant workers, including domestic workers, and that they have access to legal complaint procedures for the protection of their rights; and that Andorra regulate and monitor the situation of women domestic workers.[78]

53. CRC noted with concern that Andorra, during the UPR in 2010, rejected the recommendation to take steps to guarantee access to fundamental social human rights for foreign residents, including their children, regardless of their migratory status. CRC recommended that the National Equality Commission examine the condition of the rights of migrant children and children of seasonal workers and promote and protect their rights.[79]

54. CAT recommended that Andorra create a procedure for determination of refugee status and ensure that it does not expel, return (refouler) or extradite a person to another State where there are substantial grounds for believing that the person would be in danger of being subjected to torture.[80] CRC raised related recommendation regarding unaccompanied and refugee children, and recommended that Andorra enact legislation on asylum seekers and refugees in conformity with international standards.[81]

Notes

[1] Unless indicated otherwise, the status of ratification of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, http://treaties.un.org/. Please also refer to the United Nations compilation on Andorra from the previous cycle (A/HRC/WG.6/9/AND/2).

[2] The following abbreviations have been used in the present document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
OP-CRC-IC	Optional Protocol to CRC on a communications procedure;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to CRPD;
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

[3] Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: CPED, art. 30.

[4] 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons, and 1961 Convention on the Reduction of Statelessness.

[5] International Labour Organization Convention No. 138 concerning Minimum Age for Admission to Employment.

[6] International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries and Convention No. 189 concerning Decent Work for Domestic Workers.

[7] Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see International Committee of the Red Cross, at https://www.icrc.org/IHL.

[8] Concluding observations on the second periodic report of Andorra (CRC/C/AND/CO/2), para. 52; Concluding observations on the initial report of Andorra (CAT/C/AND/CO/1), para. 21; and the concluding observations on the combined second and third periodic reports of Andorra (CEDAW/C/AND/CO/2-3), para. 41.

[9] Office of the United Nations High Commissioner for Refugees (UNHCR), submission for the UPR of Andorra. See also CAT/C/AND/CO/1, para. 21; CRC/C/AND/CO/2, para. 44; and Information received from Andorra on follow-up to the concluding observations (CAT/C/AND/CO/1/Add.1), para.11.

[10] CAT/C/AND/CO/1, para. 21; and CRC/C/AND/CO/2, para. 44. See also UNHCR, submission for the UPR of Andorra.

[11] CRC/C/AND/CO/2, para. 49.

[12] CEDAW/C/AND/CO/2–3, para. 30.

[13] CAT/C/AND/CO/1, para. 5.

[14] CRC/C/AND/CO/2, para. 34

[15] Ibid., para. 10.
[16] CAT/C/AND/CO/1, para. 12.
[17] CRC/C/AND/CO/2, para. 19.
[18] Ibid., para. 14.
[19] The following abbreviations have been used in the present document:

CERD	Committee on the Elimination of Racial Discrimination;
CESCR	Committee on Economic, Social and Cultural Rights;
HR Committee	Human Rights Committee;
CEDAW	Committee on the Elimination of Discrimination against Women;
CAT	Committee against Torture;
CRC	Committee on the Rights of the Child;
CMW	Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Committee on the Rights of Persons with Disabilities;
CED	Committee on Enforced Disappearances;
SPT	Subcommittee on Prevention of Torture.

[20] CAT/C/AND/CO/1/Add.1.
[21] CAT/C/AND/CO/1, para. 24.
[22] CEDAW/C/AND/CO/2-3, para. 42.
[23] For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.
[24] CEDAW/C/AND/CO/2-3, paras. 13 and 14.
[25] CRC/C/AND/CO/2, para. 24.
[26] CEDAW/C/AND/CO/2-3, paras. 15 and 16.
[27] Ibid., para. 20.
[28] Ibid., paras. 18, 25 and 26.
[29] CAT/C/AND/CO/1, para. 11.
[30] United Nations Educational, Scientific and Cultural Organization (UNESCO), submission for the UPR of Andorra.
[31] CAT/C/AND/CO/1, para. 6.
[32] Ibid., para. 10.
[33] Ibid., para. 17.
[34] Ibid., para. 18.
[35] Ibid., para. 8.
[36] CAT/C/AND/CO/1/Add.1, paras. 3 and 4.
[37] CAT/C/AND/CO/1, para. 19. See also CAT/C/AND/CO/1/Add.1, paras. 13–20.
[38] CAT/C/AND/CO/1/Add.1, para. 13.
[39] CEDAW/C/AND/CO/2-3, paras. 21 and 22.
[40] CAT/C/AND/CO/1, para. 13. See also CAT/C/AND/CO/1/Add.1, paras. 6–11.
[41] CAT/C/AND/CO/1/Add.1, para. 12.
[42] CAT/C/AND/CO/1, para. 20. See also CRC/C/AND/CO/2, paras. 8, 30 and 31.
[43] UNESCO, submission for the UPR of Andorra.
[44] CRC/C/AND/CO/2, paras. 47 and 49.
[45] CAT/C/AND/CO/1, para. 14.
[46] CEDAW/C/AND/CO/2-3, paras. 23 and 24.
[47] CAT/C/AND/CO/1, para. 7.
[48] CRC/C/AND/CO/2, paras. 50 and 51.
[49] CAT/C/AND/CO/1, para. 9.
[50] CRC/C/AND/CO/2, para. 29.
[51] Ibid., paras. 22 and 23.
[52] CEDAW/C/AND/CO/2-3, paras. 37 and 38.
[53] Ibid., para. 5.
[54] Ibid., para. 38.
[55] UNESCO, submission for the UPR of Andorra.
[56] Ibid..
[57] CEDAW/C/AND/CO/2-3, para. 6.

[58] Ibid., para. 30.
[59] Ibid.
[60] CRC/C/AND/CO/2, para. 16.
[61] CEDAW/C/AND/CO/2-3, paras. 31 and 32.
[62] CRC/C/AND/CO/2, paras. 41 and 42.
[63] Ibid., para. 42.
[64] CEDAW/C/AND/CO/2-3, paras. 27, 28 and 32.
[65] Ibid., para. 32.
[66] Ibid.
[67] Ibid., paras. 27 and 28.
[68] Ibid., para. 28.
[69] UNESCO, submission for the UPR of Andorra.
[70] CRC/C/AND/CO/2, paras. 39–40.
[71] Ibid., paras. 24 and 25.
[72] CEDAW/C/AND/CO/2-3, para. 30.
[73] Ibid., paras. 27 and 28.
[74] UNHCR, submission for the UPR of Andorra.
[75] CRC/C/AND/CO/2, paras. 46.
[76] CEDAW/C/AND/CO/2-3, para. 21.
[77] Ibid., para. 34.
[78] Ibid., para. 30.
[79] CRC/C/AND/CO/2, paras. 45–46.
[80] CAT/C/AND/CO/1, para. 15.
[81] CRC/C/AND/CO/2, paras. 44.

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Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21

Andorra*

The present report is a summary of three stakeholders' submissions[1] to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Human Rights Council resolution 16/21, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

* The present document was not edited before being sent to United Nations translation services.

Information provided by stakeholders

A. Background and framework

1. Scope of international obligations

1. The European Commission against Racism and Intolerance (ECRI) recommended that the Andorran authorities enact the necessary provisions to remove the impediments towards ratification of the International Covenant on Economic, Social and Cultural Rights. It reiterated its recommendation to ratify the Framework Convention for the Protection of National Minorities, the Convention relating to the Status of Refugees, the International Convention on the Protection of the Rights of All Migrant Workers and members of their Families and the European Charter for Regional or Minority Languages.[2]

2. ECRI recommended that Andorra become a member of the ILO and then ratify its Convention No. 111.[3]

3. ECRI further recommended that Andorran authorities give a decisive impetus to the ratification of the UNESCO Convention against Discrimination in Education.[4]

2. Constitutional and legislative framework

4. The Group of Experts on Action against Trafficking in Human Beings (GRETA) urged the Andorran authorities to adopt a provision defining the offence of trafficking in human beings in line with the requirements of Article 4 of the European Convention without delay.[5]

5. ECRI recommended that the Andorran authorities amend qualified law 15/2003 with a view of introducing the systematic collection of information in different policy areas, including employment, housing and education, broken down by ethnic origin, language, religion and citizenship. Respect for the principles of confidentiality, informed consent and the voluntary self-identification of persons as belonging to a particular group should be ensured.[6]

3. Institutional and human rights infrastructure and policy measures

6. ECRI strongly recommended that the Andorran authorities ensure the existence of a body with specialised capacity to combat racism, racial discrimination, xenophobia, anti-Semitism and intolerance at national level along the lines proposed in its General Policy Recommendation Nos. 2 and 7 on specialised bodies and on national legislation to combat racism and racial discrimination. This body should, inter alia, monitor the content and effect of legislation on issues related to racial discrimination, advise both the legislative and executive authorities on such issues and have recourse to the courts if and when necessary.[7]

7. ECRI strongly recommended that the work of the National Equality Commission be used to devise and coordinate an integration policy. This policy should, inter alia, address the problems faced by seasonal workers, raise the awareness of the public on the importance of the various communities present in Andorra and strive to increase the level of integration of non-Andorrans.[8]

8. ECRI recommended that compulsory courses be organised for primary school pupils on human rights and the culture of the different communities living in Andorra.[9]

9. ECRI recommended that the Andorran authorities explore ways to introduce the possibility of having dual citizenship in national legislation and to include this issue in the

discussions between the authorities and NGOs, civil society under the National Equality Plan.[10]

10. ECRI recommended that the Andorran authorities provide additional tools, other than those already available, for the preparation of the examinations on Catalan language and Andorran culture that are due to be introduced in order to test the "level of integration" of temporary residents.[11]

11. ECRI reiterated its recommendation to the Andorran authorities to encourage any initiative aimed at offering journalists training in human rights in general and in issues concerning the fight against racism and racial discrimination, in particular.

B. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

12. ECRI recommended that, once comprehensive legislation aimed at combating discrimination is in place, the authorities carry out a campaign aimed at raising society's awareness on discrimination and the avenues available to seek redress. It also reiterated its recommendation to make the criminal law provisions relating to racism and intolerance known to the general public and particularly to potential victims of this type of crime.[12]

13. ECRI strongly recommended that the Andorran authorities strengthen the collection of data on the application of criminal law provisions punishing racist offences so that their effectiveness can be assessed. ECRI recommended that one institution be mandated to centralise the collection of this data and ensure that it is broken down according to the following categories: number of opened investigations; cases referred to court; discontinued pretrial investigations; and the outcome of the trials, per reference year.

14. ECRI recommended that the Andorran authorities strengthen the criminal legislation in place relating to racism and intolerance and introduce in the Criminal Code a provision prohibiting public incitement to violence, hatred and discrimination.[13]

15. According to the Council of Europe, the criminal legislation in place relating to racism and intolerance is not exhaustive. The possibility for seeking redress for forms of discrimination based on citizenship are limited and a fully fledged integration policy is not yet in place. Specific training on racism and racial discrimination should be provided to judges, prosecutors and lawyers.[14]

2. Right to life, liberty and security of the person

16. The Commissioner of the Council of Europe considered it necessary to reinforce the national system in order to ensure that the country has a national mechanism for the prevention of torture.[15]

17. The Commissioner of the Council of Europe recommended that the authorities continue to give priority to extending assistance to victims of domestic violence and to allow longer stays in the shelter. "As in other places, in Andorra, victims of domestic violence tend to suffer in silence. Measures to better protect such persons, who are predominantly women, should be adopted, including a wider use of restraining orders to oblige offenders to leave the house, the adoption of a specific law addressing gender-based violence, awareness-raising to dismantle cultural stereotypes and measures to address the reluctance of those subject to violence to report the problem."[16]

18. GIEACPC stated that in Andorra, corporal punishment of children is lawful, despite repeated recommendations to prohibit it by the Committee on the Rights of the Child, the

Committee Against Torture, the European Committee of Social Rights and during the 1st cycle UPR in 2010 (accepted by the Government).[17] In 2012, the European Committee of Social Rights concluded that the situation in Andorra is not in conformity with article 17 of the European Social Charter because corporal punishment is not explicitly prohibited in the home, schools and institutions. The Commissioner of the Council of Europe called for an explicit prohibition of corporal punishment of children.[18]

19. GRETA invited the Andorran authorities to consider what measures might be envisaged for groups vulnerable to trafficking, particularly children, women in need of protection and assistance or migrant workers.[19]

20. GRETA urged the Andorran authorities to adopt measures making it possible to proactively identify victims of trafficking and refer them to assistance. GRETA noted the existence of assistance for women victims of violence and stressed the need for legislative or other measures to provide assistance to all victims of human trafficking, regardless of the form of exploitation, and help them with their physical, psychological and social recovery.[20]

21. GRETA called on the Andorran authorities to provide in law for a recovery and reflection period for victims of trafficking and the possibility of issuing them with renewable residence permits.[21] Given the link there could be between the lack of training and identifying victims of trafficking, GRETA considered that the Andorran authorities should ensure that all the professionals concerned (law enforcement agency officials, judges and prosecutors, labour inspectors, lawyers, social workers, child welfare professionals, medical staff and other groups concerned) are sensitised to trafficking in human beings (THB), in particular the definition of human trafficking, indicators of human trafficking, distinguishing THB from migrant smuggling, detection of vulnerable groups, as well as on identification, assistance and compensation of victims, and that NGOs and trade unions are also sensitised.[22]

22. GRETA considered that the Andorran authorities should carry out initiatives to raise awareness of THB and the different forms of exploitation it entails, aimed at the general public (including in schools), civil society and the economic sectors traditionally exposed to trafficking.[23]

3. Administration of justice, including impunity and the rule of law

23. The Council of Europe selected for priority implementation the principle of the sharing of the burden of proof when discrimination complaints before civil/administrative courts; the training of judges, prosecutors and lawyers on racism and racial discrimination, including on relevant criminal legislation; and the work of the National Equality Commission to devise and coordinate an integration policy.[24]

24. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) expressed reservations about the manoeuvring room provided to law enforcement officers by the fact that they had a period of up to five hours in which to provide notification of custody in the case of adults. It was of the opinion that the right of people who have been deprived of their liberty to notify a relative or other person of their choice of that fact should be enforceable as soon as they are taken into custody.[25]

25. CPT recommends that the central unit of the Escaldes-Engordany detention centre be equipped with an outdoor exercise yard to which all persons deprived of their liberty for more than 24 hours should have access each day. It is all the more important to meet this need because the cells do not provide access to natural light. In addition, steps should be taken to ensure that all cells that are built in future provide access to daylight.[26]

26. The Group of States against Corruption (GRECO) noted that partial improvements with regard to bribery of jurors and arbitrators. It remained for Andorra to ratify the Protocol to the Criminal Law Convention, which should be a formality. Andorra continued, however, to avail itself of its right of reserve regarding bribery offences in the private sector and trading in influence. The country will also need to review a number of questions, such as those relating to extraterritorial jurisdiction of its judicial authorities or the conditions under which liability may be extinguished based on the "effective regret" provision.[27]

27. On 22 November 2013, GRECO published its Third Round Compliance Report on Andorra. In its report, GRECO concluded that Andorra has implemented satisfactorily only three of the twenty recommendations contained in the Third Round Evaluation Report. Andorra is undoubtedly the only GRECO country at present where, overall, the penalties for bribery and trading in influence are so low.[28]

4. Right to privacy, marriage and family life

28. The Commissioner of the Council of Europe called upon the Andorran government to ease the requirements to apply for Andorran citizenship. "As the Andorran authorities themselves have recognised, the 20-year residence requirement is far too long". In this connection the Commissioner recommended the ratification by Andorra of the European Convention on Nationality.[29]

5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political

29. With regard to transparency of political party funding, GRECO noted that many questions have not yet been sufficiently discussed: these include the question of whether political parties would actually be governed by the new regulations rules and the harmonisation and interlinking of the above-mentioned two texts. Other aspects required further clarification, for example as regards the annual publication of parties' accounts. GRECO strongly encouraged Andorra to carry through the planned reforms, but also to give further thought to the points in abeyance and those which seem to pose problems, such as future publication of the names of major donors, which is an important aspect in terms of the general transparency of political funding.[30]

6. Right to social security and to an adequate standard of living

30. ECRI recommended that the Andorran authorities reduce the residency requirements to be eligible for housing benefits to three years, in all cases, including when housing subsidies are provided at municipal level or by the Ministry of Housing.[31]

7. Persons with disabilities

31. Discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services is prohibited. However, non-governmental organisations have pointed out that there was a gap in what was written in the law and the situation in reality. "This gap must be bridged" stated the Commissioner of the Council of Europe: "there is the need to increase the awareness about the rights of persons with disabilities and the removal of all barriers, physical and cultural, which impede persons with disabilities from living in dignity".[32]

8. Minorities and indigenous peoples

32. Andorra has not yet signed or ratified the Framework Convention for the Protection of National Minorities. For this reason, it not yet concerned by the monitoring procedure undertaken by the Council of Europe Advisory Committee on this Convention. Andorra has

not yet signed or ratified the European Charter for Regional or Minority Languages. Thus, the country is not yet covered by the monitoring carried out by the Committee of Independent Experts under the Charter.[33]

9. Migrants, refugees and asylum seekers

33. ECRI reiterated its recommendation that the Andorran authorities enact legislation on asylum seekers and refugees which is consistent with international standards.[34]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil Society:

Individual submissions:

GIEACPC	Global Initiative to End All Corporal Punishment of Children, London (United Kingdom of Great Britain and Northern Ireland).

Regional intergovernmental organization(s):

COE	The Council of Europe, Strasbourg (France);
OSCE-ODIHR	Organization for Security and Co-operation in Europe – Office for Democratic Institutions and Human Rights, Warsaw (Poland).

[2] Council of Europe contribution for the 22nd UPR session (19.09.2014).
[3] Council of Europe contribution for the 22nd UPR session (19.09.2014).
[4] Council of Europe contribution for the 22nd UPR session (19.09.2014).
[5] Council of Europe contribution for the 22nd UPR session (19.09.2014).
[6] Council of Europe contribution for the 22nd UPR session (19.09.2014).
[7] Council of Europe contribution for the 22nd UPR session (19.09.2014).
[8] Council of Europe contribution for the 22nd UPR session (19.09.2014).
[9] Council of Europe contribution for the 22nd UPR session (19.09.2014).
[10] Council of Europe contribution for the 22nd UPR session (19.09.2014).
[11] Council of Europe contribution for the 22nd UPR session (19.09.2014).
[12] Council of Europe contribution for the 22nd UPR session (19.09.2014).
[13] Council of Europe contribution for the 22nd UPR session (19.09.2014).
[14] Council of Europe contribution for the 22nd UPR session (19.09.2014).
[15] Council of Europe contribution for the 22nd UPR session (19.09.2014).
[16] Council of Europe contribution for the 22nd UPR session (19.09.2014).
[17] Submission from Global Initiative to End All Corporal Punishment for the UPR, 22nd Session, 2015.
[18] Council of Europe contribution for the 22nd UPR session (19.09.2014).
[19] Council of Europe contribution for the 22nd UPR session (19.09.2014).
[20] Council of Europe contribution for the 22nd UPR session (19.09.2014).
[21] Council of Europe contribution for the 22nd UPR session (19.09.2014).
[22] Council of Europe contribution for the 22nd UPR session (19.09.2014).
[23] Council of Europe contribution for the 22nd UPR session (19.09.2014).
[24] Council of Europe contribution for the 22nd UPR session (19.09.2014).
[25] Council of Europe contribution for the 22nd UPR session (19.09.2014).
[26] Council of Europe contribution for the 22nd UPR session (19.09.2014).
[27] Council of Europe contribution for the 22nd UPR session (19.09.2014).
[28] Council of Europe contribution for the 22nd UPR session (19.09.2014).
[29] Council of Europe contribution for the 22nd UPR session (19.09.2014).
[30] Council of Europe contribution for the 22nd UPR session (19.09.2014).
[31] Council of Europe contribution for the 22nd UPR session (19.09.2014).
[32] Council of Europe contribution for the 22nd UPR session (19.09.2014).
[33] Council of Europe contribution for the 22nd UPR session (19.09.2014).
[34] Council of Europe contribution for the 22nd UPR session (19.09.2014).